

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2009-151-T - ORDER NO. 2009-570  
AUGUST 18, 2009

IN RE: Application of Malzone Russell d/b/a Basic	)	ORDER GRANTING
Moving for a Class E (Household Goods)	)	CERTIFICATE OF
Certificate of Public Convenience and	)	PUBLIC CONVENIENCE
Necessity for the Operation of a Motor	)	AND NECESSITY
Vehicle Carrier	)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Application of Malzone Russell d/b/a Basic Moving (“Russell” or “Applicant”) for a Class E (Household Goods) Certificate of Public Convenience and Necessity. Russell is seeking authority to move household goods in Beaufort, Jasper and Hampton Counties. Pursuant to 26 S.C. Code Ann. Regs. 103-821(C)(3)(a), the Applicant published notice of filing in *The Beaufort Gazette* newspaper on April 23, 2009. No parties intervened, and a hearing on the Application was held on August 9, 2009, in the offices of the Commission.

The parties at the hearing included the Applicant, Malzone Russell, and the Office of Regulatory Staff (“ORS”), represented by Jeffrey M. Nelson, Esquire. During the hearing, Russell offered testimony to prove his fitness, willingness, and ability to own and operate a business moving household goods, and to show that he was aware of and intended to comply with the Commission’s regulations concerning household goods movers. Mr. Russell testified that he is a longtime employee of the South Carolina

Department of Transportation. Mr. Russell has a Bachelor of Science degree and has demonstrated his fitness for the moving business through his experience as a contractor, loading and unloading moving trucks, and through his managerial experience. George Parker, manager of the ORS Transportation Department, testified that he found Russell's application to be in order. Mr. Parker also stated that he performed an inspection and found Applicant's equipment to be acceptable.

The Commission now finds the Application to be in order and the evidence presented to be persuasive. We conclude that Russell has met his burden of proof; indeed, we believe that he presented a compelling case in support of his application. Additionally, we conclude that the Applicant has demonstrated that he is fit, willing, and able to operate as a household goods mover between points and places in Beaufort, Jasper and Hampton Counties pursuant to S.C. Code Ann. § 58-23-330 (Supp. 2008) and 26 S.C. Code Ann. Regs. 103-133 (Supp. 2008). Furthermore, we find that the public convenience and necessity is not already being served by existing authorized service. Therefore, the Application of Malzone Russell d/b/a Basic Moving should be granted.

IT IS THEREFORE ORDERED:

1. The Application of Malzone Russell d/b/a Basic Moving for a Class E Certificate of Public Convenience and Necessity is approved for the Applicant to transport household goods between points and places in Beaufort, Jasper and Hampton Counties.

2. Malzone Russell shall file with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. Section 58-

23-10 et. seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, as amended, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs. Vol. 26 (1976), as amended, a Certificate shall be issued by the Office of Regulatory Staff authorizing the motor carrier services granted herein.

4. Prior to compliance with the above-referenced requirements and receipt of a Certificate, the motor carrier services authorized by this Order shall not be provided.

5. Failure of the Applicant to either (1) complete the certification process by complying with the Office of Regulatory Staff requirements of causing to be filed with the Commission proof of appropriate insurance and an acceptable safety rating within sixty (60) days of the date of this Order or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, may result in the authorization approved in the Order being revoked.

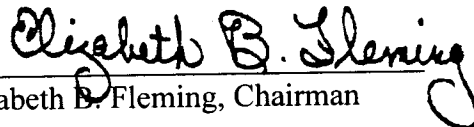
AUGUST 18, 2009

PAGE 4

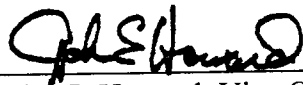
---

6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman

(SEAL)